



Report on the Administration of Civil Justice in the Residency of Bengal

During the Year

1923

minimum number of pages fixed for the narrative portion is fifteen

CALCUTTA:
Bengal Secretariat Book Depot.
1924.

Price, Re. 1-8-

REPORT ON THE ADMINISTRATION OF CIVIL JUSTICE IN THE PRESIDENCY OF BENGAL DURING THE YEAR 1923.

The statements appended to the report have been prepared on the lines of the revised tables prescribed by the Government of India, copies of which were forwarded to the Court with the Home Department letter No. F. 490—22 Judicial, dated the 7th June, 1923. The Provincial statements hitherto included with the report have been omitted, with the exception of statement H, (revised statement A), relating to civil business disposed of in the High Court. The information hitherto given in statement I regarding appeals decided in the High Court has been incorporated in the narrative portion of the report (paragraph 37) owing to the abolition of the statement.

2. Judicial staff.—The permanent civil judicial staff employed in the Presidency during 1923 consisted of 15 High Court Judges, 21 District Judges, 10 Additional District Judges, a Chief Judge and six Judges of the Presidency Small Cause Court, three Provincial Small Cause Court Judges who exercised also the powers of a Subordinate Judge, 43 Subordinate Judges and 235 Munsifs. In addition four executive officers exercised the powers of a Subordinate Judge or Small Cause Court Judge, and two the powers of a Munsif.

The following changes in the personnel of the High Court took place during the year :—

Mr. Arthur Page, K.C., was appointed to act as an Additional Judge with effect from the 8th January. Mr. A. J. Chotzner, I.C.S., officiated as a Judge from the 29th June till the 30th August, *vice* Mr. Justice Walmsley, I.C.S., on leave.

The following temporary appointments in the subordinate courts were sanctioned during the year :—

Temporary Additional District Judges were employed, one each at Howrah and the 24-Parganas throughout the year, one at Pabna-Bogra till the 16th April, one at the 24-Parganas from the 29th January till the 15th February, one at Hooghly (Howrah) from the 24th April till the 10th May, one at Bakarganj from the 1st March till the 8th October and again from the 12th November till the end of the year, two at Dacca, viz., one from the 5th May till the 8th October and again from the 12th November

till the end of the year and the other from the 21st November till the 21st December, one at Dinajpur from the 12th November till the end of the year.

Temporary Additional Subordinate Judges were employed, one each at Bakarganj, Dacca and Howrah throughout the year, exclusive of the civil court vacation, and one at Burdwan from the 2nd January till the 30th June and one at the 24-Parganas from the 12th November till the end of the year.

Temporary Additional Munsifs were employed, three at Mymensingh (viz., one each at Sadar, Iswanganj and Jamalpur) throughout the year, exclusive of the civil court vacation, and one each at Dinajpur (Balurghat), Faridpur (Madarpur), Khulna, Mymensingh (Iswanganj), Pabna-Bogra (Serajganj), and Rajshahi (Nowgong), till the civil court vacation.

Original Jurisdiction.

1. High Court.

3. Original suits for disposal.—The total number of civil suits for disposal on the Original Side of the High Court in 1923 was 8,761 against 9,085 in the previous year.

Of 3,409 suits instituted during 1923, 2,591 were for money or moveable property, 243 were mortgage suits and 224 were for immoveable property.

The value of suits for specific money claims was Rs. 7,59,25,142 as compared with Rs. 6,33,48,455 in the previous year.

4. Original suits disposed of.—The number of suits decided in 1923 was 4,270. The number undisposed of at the end of the year was 4,491. The number pending at the close of the year was less than the number pending at the close of the previous year by 831. There were 1,938 suits pending over one year, showing a decrease of 782 on the figures of the previous year.

Of the suits decided—1,492 were disposed of without trial, 1,846 were disposed of without contest, 901 were disposed of on contest and 31 were disposed of by reference to arbitration.

Prize cases.—At the commencement of the year there were pending one case against a ship and one claim against the

cargo. No action having been taken during the year, the position of the ship and the cargo remained unchanged at the close of the year.

5. Cases under the extraordinary jurisdiction.—At the commencement of the year, four suits were pending in the High Court in its extraordinary original civil jurisdiction, and one suit was transferred to it during the year. Of these, three were disposed of during the year and two remained pending at its close.

6. Probates and Letters of Administration, etc.—During the year, 439 petitions for probates and letters of administration, and 17,485 interlocutory applications (including applications for the appointment of guardians under the Guardians and Wards Act, 1890, for the appointment of guardians *ad litem*, for the appointment of receivers, for injunctions, for discovery of documents, for execution, for summons to witnesses, for special leave to file written statements after time) were disposed of. Of the interlocutory applications, 10,464 were disposed of by the Court or by a Judge in chambers and the remainder (7,021) by the Registrar and the Master.

7. Awards under the Indian Arbitration Act, 1899.—The number of awards filed and that of applications made in execution thereof were 184 and 91 respectively.

8. References to take accounts, etc.—The number of references to take accounts, to make inquiries as to estates to be administered or partitioned, as to debts and incumbrances, as to allowances to be made for maintenance, enquiries on questions of title, enquiries on questions affecting minors in proposed terms of settlement in suits, etc., and to settle conveyances, etc., pending at the commencement of the year was 210. Fresh references were directed by the Court in 480 cases. Of the total, 375 were disposed of by the Registrar, the Official Referee and Master and their assistants.

9. Conveyances and sureties.—During the year, the Registrar settled 16 conveyances and inquired into the sufficiency of sureties in 104 cases. The Registrar further inquired into the sufficiency of sureties in 192 matters in which administration bonds were executed.

10. Appeals from the Original Jurisdiction.—The number of appeals pending from the previous year was 84 and 199 new appeals were preferred to the Appellate Side of the Court. Of the

total number, 40 were dismissed for default or otherwise not prosecuted, and 111 were decided. Of the latter, the decrees of the Courts of first instance were affirmed in 72, modified in 5 and reversed in 33 cases; one case was remanded for retrial. One hundred and thirty-two appeals remained undecided at the close of the year.

11. References from the Calcutta Court of Small Causes.—At the commencement of the year no such reference was pending, but one was made to the High Court during the year which was disposed of.

12. References under section 51(1) of the Indian Income Tax Act of 1918.—At the commencement of the year no such reference was pending and none was made during the year.

13. Applications for the transfer of cases from the Calcutta Court of Small Causes.—Sixty-nine cases transferred under section 39 of the Presidency Small Cause Courts Act, 1882, were pending at the commencement of the year and 19 cases were transferred on applications made under that section during the year. Of the 88 cases for disposal, 30 were disposed of and 58 remained pending at the close of the year.

Fifteen cases transferred under section 24 of the Code of Civil Procedure were pending at the commencement of the year, and nine cases were transferred under that section during the year. Of the 24 cases for disposal, one was disposed of, and 23 remained pending at the close of the year.

Twenty-two applications under section 115 of the Code of Civil Procedure for the calling up of records from the Calcutta Court of Small Causes were made to the High Court during the year. Of these, nine applications were dismissed, in eight cases the rules issued were discharged, in one case the rule issued was made absolute, and four cases were remanded for re-trial. None remained pending at the close of the year.

14. Insolvency cases.—The number of cases under the old and new Acts pending in the Insolvency Court at the commencement of the year was 163 and 1,250 respectively, and the number instituted during the year was 255. Of the 1,668 cases for disposal, 62 were disposed of, the adjudication being set aside or superseded or the petition

being withdrawn or dismissed in 25 and the insolvents obtaining relief in 37 cases. Two thousand five hundred and fourteen applications of a miscellaneous character were also disposed of during the year.

15. Duration of sittings.—For the hearing of original suits and applications one Judge sat alone for 11 days, two Judges sat separately and simultaneously for 25 days, three Judges sat separately and simultaneously for 56 days, four Judges sat separately and simultaneously for 103 days and five Judges sat separately and simultaneously for 1 day. The Insolvency Court engaged the time of two Judges for 14 days. Appeals from the Original Side occupied a bench of two Judges for 140 days and a bench of three Judges for 1 day.

16. Appeals to the Privy Council.—Four appeals from the Original Side were pending from the previous year, and seven appeals were admitted during the year. Of these, four were disposed of by the Privy Council and seven remained pending at the close of the year.

17. Receipts and Expenditure.—The following statement shows the receipts and expenditure of the High Court on the Original Side during 1923:—

Receipts.		Rs.	A.	P.
Commission of the Accountant-General	... ...	18,145	5	4
Commission on sales by and on security deposits with the Registrar	... ...	12,372	8	0
Receiver's commission	... ...	31,572	0	0
Other fees realised by means of stamps	... ...	10,23,941	9	0
Probate and administration duty	13,66,659	4	0	
Fines	... ...	785	0	0
Total	... ...	24,53,475	10	4

Expenditure.		Rs.	A.	P.
Salaries (including exchange compensation allowance) of Judges engaged on the Original Side and in respect of appeals from that side	... ...	2,51,569	3	0
Establishment	... ...	4,07,382	4	1
Contingencies	... ...	74,845	15	3
Total	... ...	7,33,797	6	4

18. Taxing office.—The number of bills taxed during the year was as follows:—

Between party and party	... ...	1,558
" Attorney and client	... ...	317

The court-fees for taxation during the year amounted to Rs. 40,034. This sum is also included in the item "other fees realised by means of stamps" under the head "Receipts."

19. Financial results.—The following figures exhibit the financial results for the last three years, including under the head of expenditure the salaries of the Judges:—

Year.	Receipts. (a)	Receipts. (b)	Expenditure.
	Rs.	Rs.	Rs.
1921	15,43,505	6,15,935	6,28,604
1922	17,97,855	7,04,634	6,83,835
1923	24,53,475	10,86,816	7,33,797

(a) Including the duty raised on the grant of probates and letters of administration.

(b) Excluding ditto ditto.

II. Civil Courts in the Mufassal subordinate to the High Court.

20. Original suits instituted.—The number of suits instituted in 1923 was 581,909, a decrease of 22,497 on the figures of the previous year.

The decrease occurred in money, rent and title suits to the extent of 7.7, 1.8, and 2 per cent., respectively. The number of money suits instituted was 194,792 against 211,096 in 1922.

The total value of suits instituted in 1923 amounted to Rs. 8,81,71,140 showing a decrease of Rs. 71,26,122 on the total for 1922. The decrease is mainly due to the fall in institutions under all classes of suits.

21. Local distribution.—There was a decrease in the number of suits instituted in all the districts except Midnapur, Khulna, Noakhali, Chittagong, Bakarganj, Bankura and Murshidabad.

The decrease was most marked in Dacca, Faridpur, Mymensingh and Jessor. In Dacca, Mymensingh and Jessor it occurred chiefly in money suits and in Faridpur in rent suits.

The largest number of suits was instituted in the districts of Mymensingh (65,345), where the number of money and rent suits (23,023 and 35,046 respectively), was the heaviest in the province. In no other district did the institutions exceed 50,000.

In Dacca, the institution was between 40,000 and 50,000, and in Tippera, Bakarganj, Midnapur, the 24-Parganas, Faridpur and Rangpur between 30,000 and 40,000. In respect of rent suits, Mymensingh held the first place with 35,046 institutions, and Bakarganj the second place with 26,626 institutions.

Title suits were most numerous in Midnapur (9793).

In the districts of Jessore, Dinajpur, Nadia, Chittagong, Noakhali, Pabna, Bogra and Rajshahi the institutions were between 20,000 and 30,000, and in Hooghly, Khulna, Murshidabad and Burdwan between 15,000 and 20,000. Birbhum with 11,808 and Bankura with 11,203 show the lowest figures.

22. Nature of suits instituted.—The majority of suits instituted was, as usual, for small sums, as the following figures show :—

—	Suits for money or moveables.	Suits under the rent law.	Title and other suits.
Not exceeding—			
Rs.			
10	... 7,197	76,566	6,720
50	... 74,054	1,61,598	14,620
100	... 50,982	50,167	10,496
500	... 55,734	52,888	22,214
Exceeding Rs. 500 or value not stated.	6,825	2,188	9,660
Total	... 194,792	323,407	63,710

In suits for money or moveables 41.7 per cent., and in rent suits 73.6 per cent., were for sums of less than Rs. 50.

In suits under the rent law, 94 per cent. were for realization of arrears of rent. Of the suits classified as title suits, 32.9 per cent. were mortgage suits, 45.4 per cent., were for immoveable property and 3 per cent., were for specific relief.

23. Number of suits disposed of.—Excluding transfers, there were 768,447 suits for disposal before the subordinate courts in 1923.

The number of suits disposed of was 579,690, a decrease of 50,380 on the figures of 1922.

Of the total number, 557,157 were disposed of by Munsifs, 12,081 by Subordinate Judges, 10,028 by Small Cause Court Judges, and 424 by District and Additional Judges. The figures show a decrease in all grades of courts.

24. Results of suits decided.—Of the suits disposed of during the year, 95,084 were decided without trial, 413,761 without contest and 70,845 on contest.

Of the 70,845 suits decided on contest, 511 were disposed of on reference to arbitration. Of the remainder 59,374, or 84.4 per cent., resulted in favour of the plaintiffs, and 10,960 or 15.6 per cent. in favour of the defendants.

25. Applications for re-trial.—The number of applications for an order to set aside an *ex parte* judgment or a judgment on default, preferred during the year, was 19,664. Of these, 8,745 or 44.4 per cent., were successful.

26. Suits decided by Munsifs.—The number of suits disposed of by Munsifs fell from 603,690 to 557,157, a decrease of 46,533.

The average number of suits disposed of by each Munsif was 2,321 against 2,454 in 1922. Disposals under the Small Cause Court procedure formed 22.8 per cent. of the total.

The number of contested suits disposed of by Munsifs was 66,898 or 12 per cent. of the total. The average number of contested suits decided by each Munsif was 2.78 against 2.74 in 1922. The percentage of contested suits disposed of by Munsifs under the ordinary procedure was 12.6 and under the Small Cause Court procedure 9.9. The figures are :—

Under the ordinary procedure—

Contested	...	...	54,276
Uncontested	...	...	315,662

Under Small Cause Court procedure—

Contested	...	...	12,622
Uncontested	...	...	114,597
Total	...	...	557,157

The number of suits decided by Munsifs under the ordinary procedure shows a decrease of 27,428, as compared with 1922.

27. Suits disposed of by Subordinate Judges.—The number of original suits disposed of by Subordinate Judges was 12,081, a decrease of 2,524 on the figures of the previous year. The decrease was in cases decided both under the ordinary and the Small Cause Court procedure, and was spread over both contested and uncontested suits. The number of suits decided under the ordinary procedure was 6,163 and under the Small Cause Court procedure 5,918; of these 26.4 per cent. and 15.2 per cent. respectively were contested. The percentage of suits decided after contest under the ordinary procedure shows a slight decrease and that of suits decided after contest under the Small Cause Court procedure, a slight increase, as compared with the previous year.

28. Suits disposed of by Small Cause Court Judges.—The provincial Small Cause Courts disposed of 10,028 original

suits, of which 1,276 were contested, or 27 more than in the previous year.

29. **Pending suits.**—The number of suits pending at the close of the year was 188,757, against 176,300 in the previous year. The increase is chiefly due to smaller disposals during the year.

Of the pending suits, 15,334 had been pending for more than a year, 66,905 for more than six months and 44,546 for more than three months. The figures show a decrease in the number of suits pending over one year, and an increase in the numbers pending for more than six months and three months. Of the suits pending over one year, 11,582 were in the courts of Munsifs and 3,752 in the courts of Districts and Subordinate Judges, the figures showing a decrease of 1,310 and an increase of 454, respectively, as compared with 1922. A large proportion of these suits (60·2 per cent.) were, however, pending for final decree.

The number of suits pending over a year was largest in Midnapore (2,320), followed by Bakarganj (1,605), the 24-Parganas (1,171), Noakhali (1,160) and Hooghly (1,072). In Midnapore 90·3 per cent. of the year-old suits were pending for final decree. As compared with the figures of the previous year, the number of year-old suits shows a decrease in Midnapore and Bakarganj and an increase in the 24-Parganas, Noakhali and Hooghly. In the 24-Parganas the congestion was chiefly in the courts of Subordinate Judges, while in the remaining districts it occurred principally in the Munsifs' courts. As usual, the delays were generally due to adjournments granted at the request of the parties. Additional assistance was given where necessary.

30. **Miscellaneous cases.**—Excluding transfers, there were 108,578 miscellaneous cases of a judicial nature before the courts for disposal, against 113,903 in the previous year. Of these, 87,190 were disposed of, 249 were treated as suits on their becoming contested, and 21,139 remained pending at the close of the year. Of the cases disposed of, 32,976 were decided without trial, 38,565 without contest and 15,649 on contest or on reference to arbitration. Of the pending cases 1,229 were pending over a year Burdwan being responsible for the largest number (526).

III. Calcutta Small Cause Court.

31. The number of suits instituted and decided in the Presidency Court of Small Causes during 1923 and the

number pending at its close, were 22,160, 23,194 and 4,668, respectively, showing a decrease of 766, 1,701 and 27 respectively on the figures of the previous year. Eighty-nine applications were filed under section 626 of the Calcutta Municipal Act (Bengal Act III of 1899).

The decrease in institutions was spread over all classes of suits except those valued at sums not exceeding Rs. 50.

The total value of the litigation was Rs. 66,17,616, against Rs. 75,78,050 in the preceding year.

32. **Mode of disposal.**—Of the suits disposed of, 1,123 were decided without trial, 17,419 without contest and 4,652 on contest or upon reference to arbitration.

Of the 4,668 suits pending at the close of the year, 1,639 were over three months old, against 1,674 in 1922.

Appellate Jurisdiction.

I. High Court.

33. **Appeals under section 15 of the Letters Patent.**—One hundred and ninety-nine appeals from decisions on the Original Side were filed during the year and 84 were pending at its commencement. Of the total, 151 were decided and 132 remained pending at the close of the year. The number of appeals disposed of was two more than in 1922. On the Appellate Side, 44 such appeals were filed during the year and 33 were pending at its commencement. Of these, 68 were decided and nine remained pending at the close of the year.

II. Appeals from the Subordinate Civil Courts.

34. Appeals to the High Court from Subordinate Courts.

	Remaining at the close of 1922.	Brought before the Court in 1923	In	Remaining at the close of 1923.
			Disposed of 1923.	
First appeals— From Original Decrees.	482	263	(a) 239	506
From Original Orders.	270	214	208	218
Second appeals— From Appellate Decrees.	4,480	2,827	(b) 8,401	8,806
From Appellate Orders.	142	188	231	109
Total	5,374	3,322	4,187	4,739

(a) Including 47 will cases.

(b) Of which 117 were decided by a single Judge.

before the High Court and were decided

The statement in the margin shows the number of first and second appeals from the decrees and orders of the provincial courts of original and appellate jurisdiction, respectively, which came before the High Court and were decided

during the year. The figures include appeals from the courts of Assam.

35. Civil Work of the High Court.—The following statement shows in detail

the civil business which has come before the High Court in its appellate jurisdiction during each of the past three years:—

—	Brought before the Court. (a)			Heard and determined. (a)			Pending at the close of (a)		
	1921.	1922.	1923.	1921.	1922.	1923.	1921.	1922.	1923.
First appeals from—									
Decrees	222	337	263	294	308	239	453
Orders	232	234	244	173	229	296	265
Second appeals from—									
Decrees	2,616	2,705	2,827	1,343	3,548	3,401	5,823
Orders	155	181	188	152	182	221	143
Appeals under the Letters Patent			172	219	243	157	218	219	116
References to Full Bench
Applications for review	...	42	75	102	43	67	108	...	8
References	16	10	7	5	20	9	13
Motions	1,030	1,212	1,298	1,030	1,212	1,298	...
Rules granted	1,123	1,107	943	846	1,211	1,079	770
Divorce cases	12	6	5	11	7	6	5
									4
									3

(a) Include cases of Assam.

Of the 263 appeals from original decrees instituted during the year under review 8 were from Assam and the remainder from Bengal.

36. Details of value of appeals.—The following table shows the value of the appeals from the original and appellate decrees of the subordinate civil

courts brought before the Court during the year:—

Provinces of Bengal and Assam.

—	Appeals from Original Decrees of Subordinate Civil Courts.	Appeals from Appellate Decrees of Subordinate Civil Courts.	Second and third appeals under the Letters Patent.
Not exceeding—			
Rs.			
50	...	3	852
100	...	5	398
500	...	19	653
1,000	...	14	153
5,000	...	43	199
10,000	...	68	...
1,00,000	...	66	...
Exceeding 1,00,000.	Rs.	3	...
Value not denotable in money.		47 (a)	572(b)
Total	...	263	44

(a) These included 41 W.M. cases, 1 suit for declaration, 2 title suits,

2 suits for partition and 1 suit under section 92, C. P. C.

(b) Of these, 8 were title suits, 4 were suits for declaration, 18 were rent suits and the rest (i.e., 552) were suits under sections 106, 108, 109A, and 158 of the Bengal Tenancy Act.

37. Results of appeals.—The statement below shows the results of appeals decided in the High Court during the year under review:—

Nature of appeals.	DECIDED ON CONVENTION AFTER ADMISSION.				OTHERWISE DISPOSED OF.				Total.	
	Affirmed.	Reversed.	Varied.	Remanded.	Dismissed for default.	Withdrawn.	Compromised.	Appeals summarily rejected under Order XLII, Rule II, C. P. C.		
1	2	3	4	5	6	7	8	9	10	
Appeals from Original Decrees—										
Bengal ... { District Judge ...	30	19	1	5	13	...	10	...	78	
Subordinate Judge ...	45	22	15	11	41	1	14	...	149	
Assam ... { District Judge ...	1	1	...	...	...	...	...	...	2
Subordinate Judge ...	3	2	1	3	1	...	...	...	10
Total ...	79	44	17	19	55	1	24	...	239	
Appeals from Appellate Decrees—										
Bengal ... { District Judge ...	758	206	22	292	22	7	15	492	1,814	
Subordinate Judge ...	565	81	43	82	63	12	74	570	1,490	
Assam ... { District Judge ...	20	2	1	3	...	...	...	3	29
Subordinate Judge ...	19	2	3	3	1	...	1	39	68	
Total ...	1,362	291	69	380	86	19	90	1,104	3,101	
Appeals from Orders—										
Bengal ... { District Judge ...	61	26	10	16	20	...	3	61	197	
Subordinate Judge ...	109	40	10	20	31	3	5	77	295	
Assam ... { District Judge ...	2	1	...	1	...	...	...	5	9
Subordinate Judge ...	7	1	...	1	1	2	...	4	16	
Total ...	179	68	20	38	52	5	8	147	517	

NOTE.—Bengal—5 appeals from Original Decrees, 30 from Appellate Decrees and 3 from Orders were restored to the file under Order XLII, Rules 19 and 21, during the year under review.

Assam—1 appeal from Appellate Decree was restored to the file under Order XLII, Rules 19 and 21 during the year under review.

The following table shows the results of appeals decided by the High Court affecting District Judges and Subordinate Judges during the year 1923:—

—	AFFIRMED.		MODIFIED OR REVERSED.	
	District Judges.	Subordinate Judges.	District Judges.	Subordinate Judges.
Appeals from—	1	2	3	4
Original Decrees ...	31	48	21	40
Appellate Decrees ...	778	584	231	129
Miscellaneous appeals ...	63	116	37	51

38. The following statement shows the average duration of pending appeals and appeals which have been heard and

—	AVERAGE DURATION OF APPEALS HEARD AND DETERMINED IN 1923.	DURATION OF PENDING APPEALS.		
		Less than one year.	One to two years.	More than two years.
1	2	3	4	5
BENGAL.				
First appeals from { Decrees	606	222	188	70
Orders	591	129	62	16
Second appeals from { Decrees	605	1,633	1,868	432
Orders	248	88	18	3
ASSAM.				
First appeals from { Decrees	688	8	9	5
Orders	581	8	8	...
Second appeals from { Decrees	533	118	48	22
Orders	236	...	...	...

Further details of the appellate business of the year under review would

be found in the Statement A of civil business appended to the report.

39. Appeals to the Privy Council.—The following statement shows the details of Privy Council business during the year under review:—

Pending at the end of 1922.	Applications filed.	Struck off or compromised.	Records despatched to England.	PENDING—	
				For orders	For despatch
1	2	3	4	5	6
25	165	26	10	152	2

Note.—One hundred and fifty applications for leave to appeal to the Privy Council have been pending for less than one year and 2 for more than one year.

40. Results of appeals to the Privy Council.—The results of 51 appeals to the Privy Council were received during the year under review. The decisions of the High Court were affirmed in 40 instances, reversed in 9 and varied in 2.

III.—Appellate Courts subordinate to the High Court.

41. Appeals for disposal.—Excluding transfers, the number of appeals for disposal before the subordinate courts in Bengal in 1923 was 30,654 against 34,577 in 1922.

The number of appeals instituted during the year was 15,165 against 13,830 in the previous year. Of these, 6,834 were in title suits, 6,394 in rent suits, and 1,937 in suits for money or moveables. The numbers show an increase in appeals in title and rent suits but a decrease in money suits.

The total value of the appeals instituted in the subordinate courts was Rs. 28,08,963 and was less than that of 1922 by Rs. 37,121.

The number of cases in which an appeal lay, decided by subordinate courts, was 51,611 and the proportion of appeals instituted to appealable decisions, excluding appeals from decisions of revenue officers, was 27.7 per cent., as against 26.6 in 1922. The percentage was highest in Hooghly (42.8), followed by Burdwan (36.8), Chittagong (34.5) and Tippera (32.9) and it was lowest in Rangpur (18), the next in order being Dinajpur (19.3), Birbhum (20.9) and Faridpur (21.3).

The number of appeals instituted was larger than in the previous year in 16 and smaller in 5 districts. The increase in institutions was noticeable in Nadia (4.26), Jessore (285), Noakhali (165) and Midnapur (164) and the decrease in

Rajshahi (97). In the remaining districts the variations were less.

42. Appeals disposed of.—The number of appeals decided was 14,472 and shows a decrease of 4,230 in the number decided by District and Additional Judges and of 829 in that decided by Subordinate Judges as compared with the previous year.

The decrease in disposals was spread over 14 districts and was largest in Rajshahi (1,815), followed by Tippera (1,438), Murshidabad (673) and Noakhali (615).

The decrease in each of the districts of Rajshahi, Tippera, Murshidabad and Noakhali was due partly to a smaller staff and partly to the fact that the number of regular appeals disposed of by the District and Additional Judges concerned in 1922 included a large number of special appeals.

On the other hand there was a noticeable increase in Jessor (599).

43. Appeals pending.—The number of appeals pending at the close of the year was 16,182 and was more than that of 1922 by 1,136.

The number of over one year old appeals rose from 3,754 to 4,084. Noakhali was accountable for the largest number, viz., 813.

44. Results of appeals.—The results on the decisions of the lower courts of the appeals decided during the year were as follows:—In 7,462 cases, or 51.5 per cent. of the whole, the judgment of the lower courts was affirmed; in 1,897 cases, or 13.2 per cent. it was modified and in 2,381 cases, or 16.5 per cent. it was reversed. Seven hundred and thirty-two or 5 per cent. were remanded and 2,000 or 13.8 per cent. were either not prosecuted or dismissed for default. The results are on the whole more favourable to the lower courts than in the preceding year.

45. Miscellaneous appeals.—Excluding transfers, the number of miscellaneous appeals for disposal before the civil appellate courts in 1923 was 4,786. Of these, 3,456 were disposed of during the year, leaving 1,330 appeals pending at the close of the year. The number pending was 58 less than in the previous year.

46. General.—There was a decrease in the institutions of original suits but an increase in those of appeals in the subordinate courts. Disposals failed to keep pace with institutions, with the result

that there was an increase in the pending files of both suits and appeals. The number of year old cases was smaller in the original, and larger in the appellate, courts than in the previous year. On the Appellate Side of the High Court, there was a small increase in the institutions but the disposals being in excess of the institutions there was a further appreciable reduction in the pending file.

47. **Inspection.**—The courts of three Subordinate and Small Cause Court Judges and 40 Munsifs were inspected by District and Additional District Judges.

48. **Receipts and charges of the civil courts.**—The receipts of the civil courts in Bengal and of the High Court amounted to Rs. 1,89,60,519 showing an increase of Rs. 8,78,626 and the charges to Rs. 88,00,020 showing an increase of Rs. 17,463, on those of 1922. Including

	Rs	the amount
In the High Court	... 13,11,793 (a)	realised on
In other courts	.. 2,20,418 (a)	account of
Total	... 15,32,206 ^b	duty* on probates, etc.,

(a) The figures are for the financial year.

Government from civil litigation amounted to Rs. 1,01,60,499 : excluding this item, it amounted to Rs. 86,28,293. Details of the receipts and charges are as follows :—

Receipts.

Rs.

In Stamps—

Process fees	...	26,96,016
Other fees	...	1,52,23,939

In cash or special stamps—

Other receipts	...	4,35,430
Copying and comparing fees	...	6,01,885
Fines	...	3,249
Total	...	<u>1,89,60,519</u>

Charges.

Rs.

Salaries of judicial officers	...	32,80,061
Establishment—		
Process-servers	...	12,32,319
Others	...	29,58,109
Copyists' fees	...	5,37,298
Contingencies and refunds	...	7,92,233
Total	...	<u>88,00,020</u>

There was an increase in receipts under all heads except "process fees" and "fines", and an increase in expenditure under the head "establishment". The increase in receipts, which was greatest under the head "other fees" amounted to more than Rs. 11,0,000, and that in expenditure to more than Rs. 74,000, than the previous year.

By order of the High Court,

J. D. V. HODGE,

Registrar, Appellate Side.

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ANNUAL STATEMENT I—(Civil) revised to conform to the Government of India revised tables Nos. 25 and 26.

Number of Judicial Divisions, and Number of Officers Exercising Appellate or Original Jurisdiction, in the Presidency of Bengal on 31st December 1923, and the Number of Cases Decided in, and Receipts and Charges of, the Civil Courts during that year.

Districts.	Number of Divisions for Courts and Chief Courts but superior to Chief Courts of Districts.	Number of Districts.	Number of Sub-Districts.	NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION.						NUMBER OF CASES DECIDED.				Total Receipts of Courts.	Total Charges of Courts.	
				Civil.			Appellate.			Original.		Appellate.	Regular.	Miscellaneous		
				Judges of Chief Court of Province.	Judges of other Courts, superior to Chief District Courts.	Judges of Chief Courts of Districts.	Judges of District Courts other than Chief Courts.	Judges of other Subordinate Courts.	Regular	Original.	Appellate.	Regular.	Miscellaneous	Regular.	Miscellaneous.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15		
BURDWAN DIVISION.																
Burdwan	1	4	...	...	1	2	8	16,618	2,545	611	101	6,55,798	2,41,843	
Babuam	1	4	...	...	1	1	6	11,554	2,536	149	40	3,44,118	1,79,110	
Bankura	1	3	...	...	1	1	6	11,217	1,960	241	90	3,45,354	1,94,786	
Midnapore	1	7	...	...	2	3	14	34,471	4,886	1,682	152	8,74,469	3,55,826	
Hooghly	1	6	...	...	2	5	14	19,986	3,927	843	183	7,26,900	3,79,750	
PRESIDENCY DIVISION.																
24-Parganas	1	6	...	...	1	7	16	45,923	7,970	875	248	12,07,208	5,51,182	
Nadia	1	5	...	...	1	1	8	24,477	2,881	894	62	5,11,622	2,16,283	
Murshidabad	1	4	...	...	1	1	8	16,938	1,819	326	57	3,17,646	1,89,087	
Jessore	1	5	...	...	1	1	10	29,142	3,876	982	174	5,06,393	2,84,940	
Khulna	1	8	...	...	2	2	9	17,883	8,073	898	205	5,47,048	2,86,367	
DACCA DIVISION.																
Dacca	1	4	...	...	3	6	16	41,012	4,593	971	209	10,65,721	4,91,377	
Mymensingh	1	9	...	...	3	4	23	64,741	6,973	1,066	300	16,26,090	5,80,409	
Fulidpur	1	5	...	...	2	2	12	32,755	4,943	752	192	7,55,047	4,35,192	
Bakarganj	1	6	...	...	3	3	16	39,131	8,844	1,124	486	10,24,483	4,70,480	
RAJSHAHI DIVISION.																
Rajshahi	1	5	...	...	1	1	7	20,688	1,847	162	42	6,37,618	1,86,765	
Dinajpur	1	10	...	...	2	4	10	26,878	2,879	415	84	6,05,405	2,51,002	
Rangpur	1	4	...	...	1	1	8	30,830	3,824	142	88	6,75,411	2,84,457	
Fabua—Bogra	1	3	...	...	1	3	9	23,446	3,173	498	111	5,98,711	2,49,066	
CHITTAGONG DIVISION.																
Tippera	1	5	...	...	2	3	16	37,785	6,326	1,419	281	10,06,319	4,03,081	
Naokhali	1	5	...	...	1	1	10	28,398	4,770	433	247	5,95,109	2,43,291	
Chittagong	1	8	...	...	1	2	14	24,082	4,316	989	225	5,76,108	2,18,984	
Total	21	109	...	...	86	54	240	379,690	87,190	14,472	3,456	1,52,00,576	65,78,156	
Chalcom	16	...	...	...	7	27,461	4,802	8,748	492	27,59,943	23,98,864	
GRAND TOTAL	21	109	18	...	86	54	247	607,184	91,992	18,290	3,848	1,88,60,519	88,00,020	

ANNUAL STATEMENT 2—(Civil).

Number and Description of Civil Suits Instituted in the Presidency of Bengal in the year 1923.

Class of Courts.	Suits for Money or Movable Property.	SUITS UNDER THE RENT LAW.					TITLE AND OTHER SUITS.					Grand Total.
		Arrears of Rent with or without ejectment.	Enhancement or Abatement of rent.	For Ejectment or Recovery of Possession alone.	All other Suits under the Rent Law.	Total.	Suits for Immoveable Property.	Suits for Specific Relief.	Mortgage Suits.	Other Suits not falling under any of the preceding heads.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12	13
SUBORDINATE COURTS.												
Union Courts ... ... ... ...	...	...	...	...	...	...	...	...	...	...	...	...
Munisips—												
Under ordinary procedure ...	46,687	303,672	12,871	1,416	4,936	322,895	27,813	1,883	19,766	10,063	59,524	429,106
Under Small Cause Court powers ...	181,032	...	...	...	...	...	...	...	...	...	...	181,032
Small Cause Courts—												
As Small Cause Court Judges ...	9,942	...	...	...	...	...	...	1	4	9	7	9,942
Under powers of Subordinate Judges ...	29	...	...	...	...	...	...			7	31	50
Subordinate Judges—												
Under ordinary procedure ...	1,270	505	4	2	1	512	1,141	69	1,218	1,246	3,674	5,456
Under Small Cause Court powers ...	5,832	...	...	...	...	...	...	...	...	...	...	5,832
District and Additional Judges ...	...	...	...	...	...	...	...	...	...	491	491	491
Total ...	194,792	304,177	12,875	1,418	4,937	323,407	29,054	1,958	30,993	11,807	63,710	581,909
COURTS AT THE PRESIDENCY.												
Presidency Small Cause Court ...	22,160	...	...	...	...	...	...	224	35	243	278	22,160
High Court, General Jurisdiction ...	2,594	...	...	...	...	...	...	...	...	...	780	3,874
High Court, Special Jurisdiction—												
Admiralty ...	...	...	...	...	...	...	...	...	...	7	7	7
Testamentary ...	...	...	...	...	...	...	...	...	...	14	14	14
Matrimonial ...	...	...	...	...	...	...	...	...	...	14	14	14
Total ...	24,754	...	...	...	...	...	224	35	243	318	815	25,569
GRAND TOTAL ...	219,546	304,177	12,875	1,418	4,937	323,407	29,178	1,991	31,238	12,120	64,525	607,478

ANNUAL STATEMENT 3 (Civil).

Number and Value of Civil Suits Instituted in the Presidency of Bengal in the year 1923.

Class of Courts.	NUMBER OF SUITS INSTITUTED IN THE DIFFERENT COURTS.								Total Value of Suits.		
	Value not exceeding Rs. 10.	Value Rs. 10 to Rs. 50.	Value Rs. 50 to Rs. 100.	Value Rs. 100 to Rs. 500.	Value Rs. 500 to Rs. 1,000.	Value Rs. 1,000 to Rs. 5,000.	Value above Rs. 5,000.	Number of Suits, the value of which cannot be estimated in money.			
1	2	3	4	5	6	7	8	9	10	11	Rs.
SUBORDINATE COURTS.											
Union Courts ... ... ... ...	...	...	...	...	...	...	...	...	...	...	...
Munisips—											
Under ordinary procedure ...	86,533	182,805	65,445	83,251	10,285	1,648	...	140	429,106	5,71,74,760	53,68,543
Under Small Cause Court powers ...	4,481	64,752	44,196	17,603	...	...	...	...	131,032		
Small Cause Courts—											
As Small Cause Court Judges ...	462	2,604	1,918	4,287	701	...	83	9	7	9,942	14,08,885
Under powers of Subordinate Judges ...	...	...	...	1	...	...	...	7	50	50	1,72,768
Subordinate Judges—											
Under ordinary procedure ...	...	...	...	...	...	...	...	...	...	5,456	3,76,82,065
Under Small Cause Court powers ...	6	109	79	1	5,638	862	117	...	...	5,632	15,68,845
District and Additional Judges ...	1	2	6	85	78	132	57	181	181	491	20,05,971
Total ...	90,489	250,272	111,845	110,836	11,065	6,195	1,018	385	681,909	8,81,71,140	
COURTS AT THE PRESIDENCY.											
Presidency Small Cause Court ...	276	5,094	4,005	8,786	2,299	1,661	...	89	22,160	66,17,616	7,59,25,142
High Court, General Jurisdiction ...	...	...	...	...	...	1,417	1,572	886	886	3,374	
High Court Special Jurisdiction—											
Admiralty ...	...	...	...	...	...	...	...	7	7	7	7
Testamentary ...	...	...	...	...	...	...	...	14	14	14	14
Matrimonial ...	...	...	...	...	...	...	...	14	14	14	14
Total ...	376	5,094	4,005	8,785	2,299	2,078	1,572	509	25,569	8,26,42,758	
GRAND TOTAL ...	90,759	255,386	115,660	119,572	16,864	9,278	2,590	904	607,478	17,07,13,898	

ANNUAL STATEMENT 4—(Civil).

General Results of Trial of Civil Cases in Courts of Original Jurisdiction in the Presidency of Bengal in the year 1923.

Civil Suits.

Class of Courts.	Number of Suits before the Courts.	NUMBER OF SUITS DISPOSED OF, EXCLUDING TRANSFERS.						
		Without Trial.	Without Contest.	With Contest.		On reference to Arbitration.	Pending at the close of each year.	
				Judgment for Plaintiff.	Judgment for Defendant.			
1	2	3	4	5	6	7	8	
SUBORDINATE COURTS.								
Union Courts ... ... ... ... ... ...	... ...	...	...	...	...	...	...	...
Munsifs— Under ordinary procedure ...	573,110	60,508	815,154	45,763	8,152	341	143,172	
Under Small Cause Court powers ...	160,538	30,754	83,843	10,478	2,056	88	33,319	
Small Cause Courts— As Small Cause Court Judges ...	12,211	2,142	6,610	1,065	202	9	2,183	
Under powers of Subordinate Judges ...	69	3	33	3	...	1	29	
Subordinate Judges— Under ordinary procedure ...	14,370	804	8,890	1,215	346	67	8,256	
Under Small Cause Court powers ...	7,360	764	4,249	742	160	3	1,442	
District and Additional Judges ...	780	109	182	87	14	2	356	
Total of each class for Civil Courts— Suits for money or movables ...	249,650	42,321	126,978	18,709	3,854	228	58,260	
Suits under the Rent Law ...	393,617	40,560	250,728	30,435	3,049	85	70,812	
Title and other suits ...	123,180	12,203	36,755	10,282	4,057	248	59,685	
Total	768,447	95,084	418,761	59,374	10,980	511	188,757	
COURTS AT THE PRESIDENCY.								
Presidency Small Cause Court ...	27,862	1,123	17,419	8,880	704	118	4,668	
High Court, General Jurisdiction ...	8,637	1,477	1,829	696	190	31	4,431	
High Court, Special Jurisdiction— Admiralty ...	10	1	3	1	...	...	5	
Testamentary ...	41	6	3	8	1	...	28	
Matrimonial ...	51	8	11	2	8	...	27	
Prize Cases ...	2	...	...	...	...	...	2	
Total	36,628	2,615	19,265	4,587	898	149	9,159	
GRAND TOTAL	805,070	97,699	438,026	63,911	11,858	660	187,916	

ANNUAL STATEMENT 5—(Civil).

General Results of Trial of Civil Cases in Courts of Original Jurisdiction in the Presidency of Bengal in the year 1923.

Miscellaneous Cases.

Class of Courts.	Number of Cases before the Courts.	NUMBER OF CASES DISPOSED OF, EXCLUDING TRANSFERS.						
		Without Trial.	Without Contest.	With Contest.		On reference to Arbitration.	Pending at the close of each year.	
				Judgment for Plaintiff.	Judgment for Defendant.			
1	2	3	4	5	6	7	8	
SUBORDINATE COURTS.								
Union Courts	87,945	38,294	31,154	6,016	6,818	14	15,690	
Munsifs— As Small Cause Court Judges ...	897	332	150	156	88	...	171	
Under powers of Subordinate Judges ...	17	7	8	...	...	...	2	
Subordinate Judges ...	8,855	2,756	2,185	774	878	5	2,275	
District and Additional Judges ...	10,864	1,587	5,088	407	488	6	3,083	
Total	108,578	32,976	39,565	7,353	8,271	25	21,180	
COURTS AT THE PRESIDENCY.								
Presidency Small Cause Court ...	4,944	705	1,680	1,752	662	3	143	
High Court, General Jurisdiction ...	...	...	...	...	...	...	...
Total	4,944	705	1,680	1,752	662	3	143	
GRAND TOTAL	112,523	88,881	40,245	8,105	8,934	28	21,261	

NOTE.—Twenty-six cases of contempt of Court under Chapter XXXV of the Code of Criminal Procedure were disposed of by Civil Courts during the year.

(a) Two hundred and forty-nine applications for Probate or letter of administration, which became contested during the year, were transferred to the head of Suits.

ANNUAL STATEMENT 6—(Civil).

Civil Appellate Courts of the Presidency of Bengal in the year 1923.
Appeals from Decrees.

Class of Courts	Number of Appeals before the Courts	APPEALS DISPOSED OF (EXCLUDING TRANSFERS).					Pending at the close of each year.
		Dismissed or not prosecuted	Confirmed.	Modified.	Reversed.	Remanded	
1	2	3	4	5	6	7	8
SUBORDINATE COURTS.							
APPEALS FROM ORIGINAL ORDERS							
Subordinate Judges District and Additional Judges	18,180 17,474	983 1,017	4,690 2,862	1,232 665	1,491 590	562 170	4,812 11,870
Total of each Class for Civil Courts— Appeals from Decisions in Suits for Money or Movables.	8,854	236	1,008	240	327	80	1,963
In Suit, under the Rent Law In Title and other Suits	12,093 14,707	877 887	2,901 3,533	933 724	957 1,007	244 408	6,181 8,038
Total	30,654	2,000	7,482	1,897	2,381	732	16,192
COURTS AT THE PRESIDENCY							
APPEALS FROM ORIGINAL ORDERS							
Chief Court of Province— From decisions by the Subordinate Courts " " on the Original Side	711 268	79 10	76 72	16 5	41 33	10 1	164 133
APPEALS FROM APPELLATE ORDERS							
Chief Court of Province— From decisions by the Subordinate Appellate Courts From decisions by a single Judge or Bench on Appeal in the Chief Court.	7,027 74	1,255 28	1,323 20	65 3	287 7	374 9	3,723 8
Total	8,095	1,402	1,490	88	368	400	4,347
GRAND TOTAL	38,749	3,402	8,952	1,085	2,749	1,132	20,629

ANNUAL STATEMENT 7—(Civil).

Civil Appellate Courts of the Presidency of Bengal in the year 1923.
Miscellaneous Appeals.

Class of Courts	Number of Appeals before the Courts	APPEALS DISPOSED OF (EXCLUDING TRANSFERS).						Pending at the close of each year.
		Dismissed or not prosecuted	Confirmed	Modified	Reversed	Remanded		
1	2	3	4	5	6	7	8	
SUBORDINATE COURTS.								
APPEALS FROM ORIGINAL ORDERS								
Subordinate Judges ...	1,358	144	636	29	251	82	216	
District and Additional Judges ...	8,428	415	1,280	26	507	86	1,114	
Total	4,786	559	1,916	55	758	168	1,330	
COURTS AT THE PRESIDENCY.								
APPEALS FROM ORIGINAL ORDERS.								
Chief Court of Province— From decisions by the Subordinate Courts From decisions on the Original Side ...	491 ...	128 ...	93 ...	15 ...	35 ...	13 ...	207 ...	
Total	491	128	93	15	35	13	207	
APPEALS FROM APPELLATE ORDERS.								
Chief Court of Province— From decisions by the Subordinate Appellate Courts. From decisions of a single Judge or Bench on Appeal in the Chief Court.	317 ...	72 ...	77 ...	5 ...	31 ...	23 ...	109 ...	
Total	317	72	77	5	31	23	109	
GRAND TOTAL	5,594	759	2,086	75	824	204	1,646	

Civil business disposed of in the High Court during the year 1923.

Provinces of Bengal and Assam.

Nature of business	Remaining at the close of 1922	Brought before the Court in 1923	Disposed of in 1923.	Remaining at the close of 1923.
1	2	3	4	5
ORIGINAL JURISDICTION				
Original suits (including suits received by transfer from other Courts), etc	5,322	3,439	4,270	4,491
Applications for Probates and Letters of Administration, etc	...	17,924	17,924	...
References to take accounts, etc	...	210	480	375
Insolvency cases ...	...	1,413	255	62
APPELLATE JURISDICTION				
<i>First Appeals</i>				
From Original decrees	{ Of the Subordinate Courts ..	482	263	(a)239
	{ Of the High Court ..	84	199	151
From Original orders	{ Of the Subordinate Courts ..	270	244	296
	{ Of the High Court ..	...	...	...
<i>Second Appeals.</i>				
From Appellate decrees of the Subordinate Courts	...	4,480	2,827	(b)3,401
From Appellate orders of the Subordinate Courts	...	142	188	221
<i>Third Appeals.</i>				
From Original decrees in the High Court.	{ of two Judges hearing first Appeals ..	1	..	..
	{ of two Judges hearing second Appeals.	...	..	...
From Appellate decrees in the High Court.	{ of one Judge hearing second Appeals.	32	44	68
<i>References to Full Bench</i>				
In first Appeals	{ from Original decrees ... ..	...	..	..
In the matter of rule nisi	{ from Original orders ... ..	...	..	..
In second Appeals	{ from Appellate decrees ..	...	..	..
In third Appeals from Appellate decrees in the High Court.	{ from Appellate orders ..	...	..	..
	{ of one Judge hearing second Appeals.	...	..	..
<i>Applications for Review.</i>				
In first Appeals	{ from Original decrees ... ..	...	2	12
In the matter of rule nisi	{ from Original orders ... ..	...	..	10
In second Appeals	{ from Appellate decrees ..	...	6	67
Under Section 12 of the Legal Practitioners' Act	{ from Appellate orders ..	...	7	7

<i>References.</i>				
Under Section 113 and Order XLVI, Rule 1. Act V of 1908	...	..	3	2
Ditto 113 and Order XLVI, Rule 7, Act V of 1908	...	1	1	2
Ditto 49, Act II of 1899 (Stamp Act)	...	...	...	...
Ditto 14 of the Legal Practitioners' Act	...	...	3	5
Ditto 23(2) of Act V of 1908	...	2	3	5
Motions	...	...	...	...
Rules	...	...	1,298	1,298
Divorce cases	...	688	943	(c)1,079
Miscellaneous Orders in Court	...	4	5	6
	...	...	9,265	9,265

(a) Including 47 Will cases.

(b) Of these 117 were decided by a single Judge.

(c) Of these 143 were disposed of by a single Judge.

